

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES J. SENIOR, NORMAN FAHY, *
RONALD D. PHIPPS, RAYMOND W. *
POSTMA, THOMAS G. HIRL and UNITED *
STEELWORKERS OF AMERICA, *
LOCAL 12004, *

Plaintiffs

v.

Civil Action No. 04-10160-EFH

NSTAR ELECTRIC AND GAS *
CORPORATION and COMMONWEALTH *
GAS COMPANY, *

Defendants. *

JOINT MOTION TO CONTINUE DATE FOR FILING OPPOSITIONS TO SUMMARY
JUDGMENT MOTIONS

All Plaintiffs to this action (collectively referred to as "Plaintiffs"), and Defendants NSTAR Electric and Gas Corporation ("NSTAR") and Commonwealth Gas Company (collectively referred to as "Defendants"), jointly move that the deadline for filing oppositions to summary judgment motions filed in this action by Plaintiffs and Defendants on March 4, 2005, be continued from March 18, 2005, to and including April 5, 2005. The grounds for this motion are as follows:

1. This is an action by Plaintiff retirees who were represented by Local 12004 of the United Steelworkers of America during their employment with NSTAR and its predecessors. The Plaintiffs challenge modifications to retiree health benefits implemented in 2003.

2. On March 4, both Plaintiffs and Defendants served summary judgment motions in this action, and in Louis Balestracci, et al. v. NSTAR Electric and Gas Corporation, Civil Action No. 04-11103-EFH (“Balestracci”). The Plaintiffs in Balestracci raise claims similar to the Plaintiffs in this action. Oppositions to motions for summary judgment in both cases are currently due on March 18, 2005.

3. The Plaintiffs and Defendants in both cases submitted numerous exhibits in support of their motions. In order to allow for adequate time for the parties to respond to these motions, and to accommodate existing obligations of counsel for Plaintiffs and Defendants (including vacations of counsel), the parties request that April 5 be established as the date by which oppositions to summary judgment motions be served and filed in this action.

4. The parties further request that April 5 be established as the date by which Plaintiffs must serve and file their opposition to Defendants’ Motion to Prohibit Use of Expert Witness, also filed on April 4.

5. An identical motion for extension of time is being filed simultaneously in Balestracci.

WHEREFORE, the parties pray that this motion be allowed, and that the deadline for opposing serving and filing oppositions to the summary judgment motions of Plaintiffs and Defendants, and the opposition to Defendants’ Motion to Prohibit Use of Expert Witness, be continued from March 18, 2005 to and including April 5, 2005.

Respectfully submitted,

CHARLES J. SENIOR, et al.,

By their Attorneys,

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Dated: March 8, 2005

Respectfully submitted,

NSTAR ELECTRIC AND GAS
CORPORATION,
COMMONWEALTH
GAS COMPANY,

By their Attorneys,

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Dated: March 8, 2005